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COMMENTS ON HSCA REPORTS RECEIVED 26 JANUARY 1979

This new package consists of two drafts, one is a 14 page draft concerning a Cuban-American, followed by footnotes. The other is a discussion of whether Oswald had any CIA or other connections; the pagination of this draft was uncertain and I re-numbered the pages, totalling 108 in all. (U)

I. Cuban-American

This draft shows the HSCA attempt to sanitize. They have designated LITEMPO/4 to be deleted. They have proposed to delete the word "City" in order to change "Mexico City Station" into a more general "Mexico Station." The Warren Commission report, I think, makes some reference to it so we may have a problem on how to handle it. These references recur on pages 3-5. References to the Monterrey Base, also to be deleted, appear on pages 5 and 6. The name of the subject of the report, Lopez, appears on every page of this section from page 2 on. We should consider whether we object to this. (C)

While LITEMPO/4 is indicated for deletion, LIFIRE is not (see pages 2, 3, and 4). Does this make any difference or should we request the same treatment as given LITEMPO? (C)

Does the references on page 4 to a "photograph of Lopez" really compromise anything? There are further references on page 4. More specific references on page 3 are marked for deletion. (C)

What is the reference on page 6 to "LAM/FI?" (U)

On page 7 there is talk about FBI information on Lopez. While we haven't a direct interest in FBI material, this does relate to the subject which takes us back to the original question of whether we object giving the name of Lopez. (C)

On page 10 CIA's not giving the Warren Commission information on Lopez is described as "egregious." While we think the report that first seemed to give him significance is a very poor report, the HSCA view is that we should have passed it on anyway. We can say that CIA did what intelligence agencies always do, evaluate the report and not disseminate it if it doesn't have merit, but I don't think that argument would go very far. I am inclined to not take exception to the HSCA description

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here. We passed it on to the FBI, and we may request that recognition be given to that fact. (C)

On page 11, the HSCA draft says that the 1977 Task Force Report "attempted to refute several 'inaccuracies' in the Senate report," on Lopez. We are entitled to say that rather than refuting the Senate report, we were pointing out the flaws in the information on which the Senate report was based, which raised the question as to its credibility. That might provide us the opportunity, without contesting the other statements in the HSCA draft, to point out the inaccuracies, and how intelligence agencies must and do evaluate the quality of information received. (C)

The statement on page 11 that the 1977 Task Force report was "apparently the only follow-up...after the Senate report appeared" is partly correct. We did report to the FBI which obviously conducted a further investigation. The HSCA problem is that it never understood the responsibilities between the investigating bodies. (U)

The last sentence in the ending of page 12 should be rephrased. The badly flawed Monterrey report obviously did not jibe with earlier information, which means that the statement by the DCOS to the effect that it did was, on the face of it, incorrect. More than discounting what was said, we are simply pointing out that it did not make sense. (C)

At the bottom of page 12 and on over to page 13, it is correct to say that the Task Force report did say that CIA did nothing further about Lopez, although it did debrief a refugee. It had no further capability on its own. It obviously did report to the Bureau, which was responsible for the investigation, which carried it on. Obviously the Bureau did a rather complete job. (C)

The last sentence on page 14 may be "plausible" to the HSCA, but there is no apparent evidence to support that view. CIA's action was based on its correct evaluation of the unreliability of the report. It nevertheless did refer it to the FBI. It is my recollection that the Schweiker report noted that the FBI completed its investigation only after the Warren Commission. We possibly would take some exception to this last paragraph on page 14. (U)

II. The Oswald-Agent Question

Reference is made on page 2 to "Oswald's alleged association with CIA." I guess anyone can make any kind of allegation and it will be dealt with seriously by the kind of people the Committee hires. By phrasing it this way they reveal something of themselves. I suggest that we leave it the way it is without comment. (U)

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The statement is made that the HSCA did an "intensive file review...which included...the CIA's 124 volume Oswald file." As stated, that assertion is false. It is Goldsmith's claim that by looking at the FOIA material, he has reviewed our files; in fact he has not. We should say so. (U)

At the bottom of page 4, the draft states "nor was there always an independent means of verification that all materials requested by the Agency were, in fact, provided." Having made this gratuitous statement, the Committee is entitled to be told that they did not take the steps necessary to make that statement. There are large quantities of materials assembled for their review that still remain unread. They have been told this enough times to have no misunderstanding; if they leave this statement in their report, it says something about the integrity of their writing. (U)

I do feel inclined to respond to their statement in the paragraph starting on page 5. The way they arranged to overcome our "institutional obstacles" -- Committee euphemism for security considerations -- was to obligate themselves to observe security. These "institutional obstacles" are a matter of law, and all they had to do to get access was to accept the same responsibility that we observe. This phrasing is a piece of congressional CYA, and we are correct in making an appropriate comment. (U)

Starting at page 11 the Committee recites what Wilcott said, but then doesn't address all of those statements in the discussion that follows. For instance, Wilcott claims that he "himself had unknowingly disbursed payments for Oswald's project." The Committee could point out how difficult that would have been if he was not on the scene until long after Oswald had left. It says something about the witness. (U)

It is interesting that the Committee, despite its tendency to state the questions it has about CIA witnesses, suppresses all comment about the dubious quality of Wilcott's testimony. (U)

On page 17 the statement about why the Oswald file "was purportedly opened" must be rounded out a little bit. Yes, he did meet the test of being a potential CI threat, so a file could have been opened on him. The Committee also knows, which it points out itself later, that the clerical judgment of the moment was probably the deciding factor. (U)

On page 19 it is correct to say that someone could have opened the file on Oswald in 1959, but any comprehensive discussion would make it clear in the same point that it didn't necessarily follow that one should do so. (U)

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Page 21. The last sentence in the paragraph ending five lines from the bottom. This makes the same point which page 2000584 on another draft does. Does this draft supercede that earlier draft? (U)

Page 23. In having reviewed earlier the considerations that go into opening a file, the writer feels free to talk about "the seemingly long delay" in his opening. If one doesn't understand what they are writing about in the beginning, they will never discuss it accurately. The information is in the system whether there is a separate 201 file. Isn't the file something of a management or clerical convenience? (U)

On page 26, the HSCA draft wrestles with the problem of the computer symbol "AG." The recollection of a person 15 years after the fact appears to receive a little bit more credence than the Agency records. It also takes two pages of writing to discuss it. When the symbol was instituted isn't the issue; it is the meaning of the symbol which counts, which refers to a defector, which Oswald was. The discussion is left up in the air, which possibly reflects the effect of the theory they had that "AG" meant agent. The breathless way the Committee investigators tried to develop this provided some of the more cynical humor we had the opportunity to engage in until they finally asked us what "AG" meant. (U)

Page 32. Is the paragraph in the middle of the page accurate? Is that what CIA said? (U)

Page 34. The Committee spends a lot of time playing with the thought of dual and hidden files. It really hangs all of these on what Bill Harvey thought about when he was first trying to figure out how to do ZRRIFLE. Yes, almost anything is possible, but the investigators were told enough times that no second system could be designed without someone having to know. In any event, it is certain that the confused statement at the top of page 34 referring to "operational detail indicative of an Agency (sic) relationship with the CIA" is merely a reflection of the state of mind of the author. (U)

Page 44. This is Egerter's name. (C)

Page 60. Do we object to making it public that Mrs. McMillan was denied a security clearance? (C)

Page 66. What is the story on Snyder's serving as a spotter? Didn't we provide an explanation about why the Snyder file had been red-flagged? Is it merely that they don't like it? (C)

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Page 74-77. J. Walton Moore was discussed several times. (C)

Page 78-82. Do we have a problem with the use of Gaudet's name in the discussion of him? More specifically, have we reservations about publishing the evaluation of our relationship with Gaudet, as shown on page 80? (C)

Page 86-88. This deals again with Oswald's visa in Helsinki. Does it replace an earlier draft? In any event, would we object to a discussion of the Soviet Consul Golub and the references to "CIA dispatches from Helsinki?" (C)

Page 90. The discussion of CIA cable traffic lets one infer that it was from Mexico City. However, it doesn't say so in so many words. Consider whether we can live with this. (C)

CONFIDENTIAL**OLC RECORD COPY****HSCA****OLC 79-0113/7
29 January 1979**

MEMORANDUM FOR: William Sturbitts, LA/DDO
Dick Rininger, OGC
Ray Reardon, OS
Russell Holmes

FROM : S. D. Breckinridge
Principal Coordinator, HSCA

SUBJECT : Comments on HSCA Interim Drafts

The Committee may be looking to us soon for comments on these preliminary drafts. The next time we see them, it will be on the five-day countdown, with security being the primary problem. My feeling is that we ought not to take substantive issue in the final exchange except on very important points. We should save our ammunition for any security issues that require special consideration. Therefore, we have to make our points on these current replies. I would like to get these replies back to HSCA very soon in so we are a little ahead of the game instead of behind it. Could you meet with me at 1300 hours, Thursday, 1 February, in the Conference Room in 6D-5317?

S. D. Breckinridge / ken
S. D. Breckinridge

Attachment

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